

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: American Honda Motor Co., Inc.,
CR-V Vibration Marketing and Sales
Practices Litigation,

Case No. 2:15-md-2661

Judge Michael H. Watson
Magistrate Judge Deavers

This document relates to: ALL CASES

JOINT STATUS REPORT

Pursuant to the Court's Order of October 13, 2016 (ECF No. 77), Plaintiffs and American Honda Motor Co., Inc. ("AHM," and collectively with Plaintiffs, the "parties"), through their undersigned counsel, jointly report as follows:

1. As the parties previously reported, the parties had an in-person meeting in Los Angeles in September, 2016. During that meeting, among other things, AHM advised Plaintiffs that the senior AHM attorney in charge of this litigation (Mr. James Oliva, who was present at the meeting) was traveling to Japan for a five-week secondment beginning in early October. Mr. Oliva completed the secondment and returned to working in the United States on November 7, 2016. The parties thus understood that a formal mediation could not be scheduled until Mr. Oliva returned to the U.S. and was available to attend.

2. During Mr. Oliva's absence, however, the parties continued to engage in their informal discussions and share information. *See, e.g.*, October 12, 2016 Joint Status Report (ECF No. 76) at ¶¶ 2, 3.

3. On October 10, 2016, Plaintiffs provided AHM with a formal settlement demand (the "Demand"). On October 12, 2016, the parties filed a written report with the Court detailing

their progress and requesting the Court stay all litigation deadlines for 30 days. *See id.* On October 13, 2016, the Court stayed all litigation deadlines for 30 days and directed the parties to file a follow-up report detailing (i) the degree to which resolution discussions have been productive, and (ii) suggesting further modifications to the litigation schedule. (ECF No. 77.)

4. Over the past month, the parties have continued to make progress toward potential resolution of the litigation. *First*, after further discussion with Plaintiffs' counsel regarding the Demand, AHM determined that in order to meaningfully respond, AHM needed to collect additional information and perform some detailed, complex analysis on data regarding the 2015 CR-V vehicles, including durability studies. AHM anticipates completing and providing the analyses and studies to Plaintiffs by no later than November 23, 2016.

5. *Second*, since it received the Demand, AHM has been seriously considering the various proposals contained therein. Where AHM disagrees with Plaintiffs' proposed approach, AHM has been developing alternative proposals and anticipates providing a response to the Demand at or around the same time it provides the analyses and studies to Plaintiffs.

6. *Third*, the parties previously advised the Court that Plaintiff John Maticcik intended to sell his 2015 CR-V. September 12, 2016 Joint Agenda (ECF No. 74) at ¶ 3. Mr. Maticcik subsequently did, in fact, sell the car. Thereafter, AHM took third-party discovery from the dealership to which Mr. Maticcik sold his 2015 CR-V. AHM subpoenaed the dealership for relevant information pertaining to the transaction and the vehicle. This information was recently provided to AHM. Mr. Maticcik is providing documentation in his possession related to the vehicle sale in the near term.

7. *Fourth*, and consistent with the schedule the parties previously provided to the Court, after AHM provides a response to the Demand, the parties believe they will be ready to schedule an in-person mediation with a professional neutral or mediator. The parties are now engaged in

discussions concerning mediator selection and expect to select one in the near term. Accordingly, the timeline set forth in the parties' previous joint report remains realistic: by the end of November or early December, the parties anticipate they will have agreed to a mediator and scheduled a mediation, with the continued goal of finalizing a resolution proposal to be presented to the Court in early 2017.

8. In sum, the parties have continued to make progress and wish to engage in continued discussions. Given their continuing progress, the parties request a further stay of the litigation deadlines so that they can continue to focus their efforts on resolving the case. To that end, the parties request that the Court extend the current stay of all litigation deadlines by an additional 30 days, at which time the parties would again provide a report to the Court on their progress.

9. Finally, the parties report a tag-along case, *Bertram v. American Honda Motor Co., Inc.*, Case No. 4:16-cv-01120-DGK (W.D. Mo. filed October 19, 2016) ("*Bertram*"). After AHM was served with the *Bertram* complaint, AHM filed a Notice of Potential Tag-Along Action, advising the Judicial Panel on Multidistrict Litigation ("JPML") of the filing of *Bertram* and advising the JPML that *Bertram* involves questions of fact that are common to the actions that the JPML previously transferred to the Southern District of Ohio.

10. On November 8, 2016, the Clerk of the Panel issued a conditional transfer order indicating that the JPML intends to transfer *Bertram* to this Court. *See In re: Am. Honda Motor Co., Inc., CR-V Vibration Mktg. & Sales Practices Litig.*, MDL No. 2661, Conditional Transfer Order (D.E. 56). As counsel for plaintiff in *Bertram* has indicated it does not intend to oppose the transfer, the parties anticipate the transfer of *Bertram* will occur in the near term.

11. On November 10, 2016, the Chief District Judge presiding over the Western District of Missouri, upon the joint motion of the parties in that proceeding, stayed the *Bertram* case pending transfer and consolidation to the Southern District of Ohio.

Respectfully submitted,

/s/ Mark H. Troutman

Mark H. Troutman (0076390)

Gregory M. Travalio (0000855)

Shawn K. Judge (0069493)

**ISAAC WILES BURKHOLDER &
TEETOR LLC**

Two Miranova Place, Suite 700

Columbus, Ohio 43215

Telephone: (614) 221-2121

Facsimile: (614) 365-9516

mtroutman@isaacwiles.com

gtravalio@isaacwiles.com

sjudge@isaacwiles.com

Liaison Counsel

Eric H. Gibbs (*pro hac vice*)

David Stein (*pro hac vice*)

Amy Zeman (*pro hac vice*)

GIBBS LAW GROUP LLP

One Kaiser Plaza, Suite 1125

Oakland, California 94612

Telephone: (510) 350-9700

Facsimile: (510) 350-9701

ehg@classlawgroup.com

ds@classlawgroup.com

Interim Lead Counsel

/s/ Liv Kiser (per email authority)

Michael L. Mallow (*pro hac vice*)

SIDLEY AUSTIN LLP

555 West Fifth Avenue, Suite 4000

Los Angeles, California 90013

Telephone: (213) 896-6000

mmallow@sidley.com

Livia M. Kiser (*pro hac vice*)

J. Simone Jones (*pro hac vice*)

Daniel A. Spira (*pro hac vice*)

SIDLEY AUSTIN LLP

One South Dearborn

Chicago, Illinois 60603

Telephone: (312) 853-7000
lkiser@sidley.com
simone.jones@sidley.com
dspira@sidley.com

James A. Wilson (0030704)
VORYS, SATER, SEYMOUR & PEASE
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216
Telephone: (614) 464-5606
Facsimile: (614) 719-5039
jawilson@vorys.com

*Attorneys for Defendant
American Honda Motor Co., Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2016, a copy of the foregoing was filed electronically.
Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.
Parties may access this filing through the Court's system.

/s/ Mark H. Troutman

Mark H. Troutman (0076390)
Liaison Counsel